

TRANSLATION

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P8044/1/WO/1</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/013262</b>	International filing date ( <i>day/month/year</i> ) <b>23.11.2004</b>	Priority date ( <i>day/month/year</i> ) <b>13.12.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>F16H55/06, B23P15/14</b>		
Applicant <b>DAIMLERCHRYSLER AG</b>		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of <u>5</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s))  _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013262

Box No. I	Basis of the report
1.	<p>With regard to the <b>language</b>, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the <b>elements</b> of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-19</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* <u>1-20</u> _____ received by this Authority on <u>25.06.2005 with letter of 14.06.2005</u></p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/10-10/10</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013262

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																					
1. Statement	<table><tbody><tr><td rowspan="2">Novelty (N)</td><td>Claims</td><td>6-9, 11-19</td><td>YES</td></tr><tr><td>Claims</td><td>1-5, 10, 20</td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims</td><td>8, 9, 11</td><td>YES</td></tr><tr><td>Claims</td><td>6, 7, 12-19</td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims</td><td>1-20</td><td>YES</td></tr><tr><td>Claims</td><td></td><td>NO</td></tr></tbody></table>	Novelty (N)	Claims	6-9, 11-19	YES	Claims	1-5, 10, 20	NO	Inventive step (IS)	Claims	8, 9, 11	YES	Claims	6, 7, 12-19	NO	Industrial applicability (IA)	Claims	1-20	YES	Claims		NO
Novelty (N)	Claims		6-9, 11-19	YES																		
	Claims	1-5, 10, 20	NO																			
Inventive step (IS)	Claims	8, 9, 11	YES																			
	Claims	6, 7, 12-19	NO																			
Industrial applicability (IA)	Claims	1-20	YES																			
	Claims		NO																			
2. Citations and explanations (Rule 70.7)	<p>Prior art cited in the search report:</p> <p>D1: WO-A-0224397</p> <p>D2: GB-A-1 346 174</p> <p>D3: DE 101 47 681 A1</p> <p>D4: US-A-4 028 992</p> <p>D5: DE 29 26 255 A1.</p> <p><b>1. Independent claim 1</b></p> <p>Document D2 is considered to be the closest prior art and, similarly to claim 1, discloses the following:</p> <p><i>a method for the production of a meshing gear, said meshing gear being preforged or precast in an initial method step and,</i></p> <p><i>in a subsequent method step, electrochemically machined, one electrode (T) comprising a negative mould of a single tooth gap and, for the electrochemical machining, being advanced on the running gear as far as a jetting aperture (see figure 3).</i></p> <p style="text-align: right;">/...</p>																					

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

The features in relation to the running gear according to claim 1 can be read directly onto D2 (see figure 1 and the associated description).

The present application therefore fails to satisfy the requirement of PCT Article 33(2) since the subject matter of claim 1 lacks novelty step in relation to the prior art as defined in the Regulations (PCT Rule 64.1 to 64.3). Document D1 can also be considered to be prejudicial to the novelty of D1. Said document, like claim 1, relates to an electrochemical erosion of material (as disclosed in D1, see the description, page 5, line 11).

**2. Claims 2-20, dependent on claim 1**

Dependent claims 2-20, the subject matter of which relates to further developments of the invention according to claim 1, likewise fail to satisfy the criteria of the PCT, which requires that said criteria be satisfied by the claim on which they are dependent; moreover, the features of the subsequent claims, at least when considered *per se*, appear to be known from the prior art citations and, in consequence, do not include any essential features that might in any way support novelty or an inventive step:

- **claims 2-5:** document D2 (see figures 1-3);

/...

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

- **claims 6 and 7:** the features of claims 6 and 7 were used for the same purpose in D4 (see figures 1-3);
- **claim 10:** document D1 (see figure 1);
- **claims 12-14:** the features of claims 12-14 were used for the same purpose in D3 (see figures 1, 4 and 7);
- **claim 15:** the features of claim 5 were used for the same purpose in D4 (see figures 1-3);
- **claims 16-19:** the features of claims 16-19 were used for the same purpose in D3 (see figures 1, 4 and 7);
- **claim 20:** document D1 (see figure 2).

Box No. VII      Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The description does not cite document D2 or briefly  
outline the relevant prior art contained therein.